

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, March 15, 2010

Prior to the regularly scheduled meeting at 7:00pm, members of the Board of Commissioners attended a "Report to the People" sponsored by the Yadkin Center of the North Carolina Cooperative Extension. Extension staff outlined the programs, goals, and outcomes of Cooperative Extension. The following Board and staff were in attendance:

Chairman Chad Wagoner
Vice Chairman Kevin Austin
Commissioner David Moxley
County Attorney Jim Graham
Interim Manager Jim Haynes
Deputy Manager Aaron Church
County Clerk Gina Brown

The Yadkin County Board of Commissioners met in Regular Session on Monday, March 15, 2010, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, North Carolina

Present were:

Chairman Chad Wagoner
Vice Chairman Kevin Austin
Commissioner Tommy Garner (arrived after initial roll call)
Commissioner David Moxley
Commissioner Brady Wooten

Staff present: County Attorney, James Graham; Interim Manager, Jim Haynes; Deputy Manager, Aaron Church; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chairman Wagoner at 7:00pm.

Chairman Wagoner read a thank you card from Sheriff Mike Cain and family for flowers that were sent at the passing of the Sheriff's mother. Chairman Wagoner also noted the passing of Godfrey Williams, Chairman of the Iredell County Commissioners.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Nathaniel Mosteller of Forbush High School. Mr. Mosteller is a senior and the battalion commander of the Junior ROTC program at Forbush High School. Commander Mosteller reported that the Forbush corps has been participating in drill meets over the last several weeks. The corps has placed in the top 3 at each meet with a 2nd place finish overall. The corps is hoping to earn a 1st place finish at an upcoming meet at

West Iredell. A promotion ceremony was recently held to recognize the cadets that have earned their ranks. There will be an award ceremony at the end of the school year which will include the changing of command. A military ball will be held at Bermuda Run in the spring. This is a very formal event. Dr. Benfield, Yadkin County Superintendent and Mr. Stewart, Forbush High School Assistant Principal will be in attendance.

Mr. Stewart thanked the Board for allowing Forbush High School to showcase one of its exceptional students. Mr. Stewart stated that Mr. Mosteller is a prime example of the fine students at Forbush. Mr. Stewart further stated that he had been in education for over 24 years and believed that Forbush High School was a place he wanted to stay for quite a while.

It was noted that there are approximately 60 cadets in the Junior ROTC program at Forbush High School.

Mr. Mosteller further reported that his older brother, Michael, had been a participant in the program and had served as the first battalion commander from Forbush High School. With accomplishments in the ROTC program, volunteer fire department, and hunter safety program, Michael was accepted into the Air Force Academy. He will graduate in May as a Second Lieutenant. Mr. Mosteller reported that he would like to attend Appalachian State University and graduate as a Second Lieutenant into the Army.

Mr. Mosteller received a round of applause from the Board and audience.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Commissioner Wooten made a motion to approve the agenda as presented. Vice Chairman Austin second.

Vote: 5/0

PUBLIC COMMENTS

The Public Comments portion of the meeting opened at 7:10pm. There were no speakers under this heading. The Public Comments portion closed at 7:10pm.

APPROVAL OF MINUTES

Commissioner Wooten made a motion to approve the March 1, 2010 Regular Meeting Minutes; March 1, 2010 Closed Session Minutes for Consultation with Attorney; and the March 1, 2010 Closed Session Minutes for a discussion of a personnel matter as presented. Vice Chairman Austin second.

Vote: 5/0

PUBLIC HEARING

Chairman Wagoner announced the request to set a public hearing for proposed administrative text amendments. Christopher Ong, Director of Planning and Development, had no additional statements at this time.

Commissioner Wooten made a motion to set a public hearing for a proposed series of administrative text amendments to the Yadkin County Subdivision Ordinance for Monday, April 19, 2010. Commissioner Moxley second.

Vote: 5/0

On a separate note, Chairman Wagoner reported that the Cooperative Extension made a report and provided a meal to the Board prior to the regular session. Chairman Wagoner commended the staff of the Cooperative Extension for the work they do for the County and offered thanks for the fine meal served today.

BOARD APPOINTMENTS

Mr. Ong presented an updated list of potential appointees to the Land Use Plan Committee. Mr. Ong reported that the list continues to lack representation for North Fall Creek and North Knobs. Commissioner Moxley suggested that Mr. Ong contact Jerry Adams of Adams Water and Sewer Pipe Company for the North Fall Creek area.

Chairman Wagoner asked Mr. Ong to share his thoughts on the size of the committee. Mr. Ong stated that the committee members must have interest and dedication in order to participate. Attendance will be extremely important as there will be a limited number of meetings with much work to accomplish.

Gene Pardue, a member of the Jonesville Town Board, was in attendance for today's meeting. Commissioner Garner asked Mr. Pardue if he would be willing to serve on the Land Use Plan Committee representing the North Knobs area. Mr. Pardue agreed to serve in this capacity.

Mr. Ong asked the Board to review and consider the appointees. This matter will be placed on the Monday, April 5, 2010 agenda for final appointments to the Land Use Plan Committee.

BOARD REPORTS/REQUESTS

Aaron Church, Deputy Manager, presented a list of potential meeting sites for a retreat/work session. Mr. Church stated that budget issues and others would be discussed during this meeting. The meeting will also give the Interim Manager and the Deputy Manager a budget outline from which to work.

After some discussion, it was the consensus of the Board to meet on Monday, March 29, 2010 from 8:30am to 12:00pm at Mt. Olympus in East Bend.

BOARD ACTION

Mr. Church announced a new potential relationship with Crissman, Mendenhall, Steelman in which CMS would act as an insurance consultant. CMS would develop and distribute RFPs for medical insurance for the County. CMS will receive a flat fee for this service as opposed to commission based costs of the past.

Mr. Church presented the following key elements of the proposed contract:

- Consultant will prepare a Request for Proposal (RFP) on an annual basis to be used to solicit bids from various medical insurers.
- Consultant will present findings and recommendations to the County Manager and negotiate cost and benefits selected to interested insurers.
- Consultant's fee will be \$22,800 and will be adjusted annually, plus or minus \$85 per member covered by any plans of insurance contracted for the County's behalf.
- The Consultants bid will always be "NET OF COMMISSION", meaning it shall contain no commission payable from the insurer on Medical Health Insurance.
- The term of the contract is three (3) years and may be forfeited within 90 days notice of either party for any reason. In addition, the contract may be terminated for failure to perform services with a thirty (30) day written notice.

Mr. Church stated that CMS will have much work on behalf of the County beginning with the signing of the agreement. There is a 90-day termination clause without restriction that protects both parties from an unexpected termination. In addition, there is a 30-day termination clause for failure to perform.

Mr. Church recommended that the Board enter into this agreement with CMS Insurance based on the following:

- Agents may be limited to the products they sell, whereas consultants can accept proposal from any agent or insurer.
- Agent's products may be "prepackaged;" meaning that the plan will be put together by the insurer represented by the agent.
- The agent is compensated from the sell of the policy rather than the service which may be passed along to the insurance company.
- A Contracted Consultant may obtain bids from agents from both inside and outside the County.
- A Contracted Consultant can generally deal directly with many insurance companies to obtain bids for services.
- A Contracted Consultant may mix and match products to meet the needs of the County.

- A Contracted Consultant is compensated for their services provided to the County, not from the sale of the policy they market.
- A Contracted Consultant becomes the contractually obligated representative of the employees and is charged with finding the product the employees need within the parameters set out by the County.
- The County may avoid the spectacle of dueling agents trying to obtain business with prepackaged products.
- The County will have much more control of the final product.

Mr. Church further explained that this agreement gives the agent the option to pick various components of a policy that best suit the County's needs. Chairman Wagoner stated that it would be more cost effective to have one consultant bring forth multiple plans as opposed to the practice of the last several years.

Commissioner Wooten asked what would happen if the consultant or the County was not satisfied with any bids received. Mr. Church responded that there would be a second RFP process or as many as it took. Mr. Haynes added that a complete line-by-line review of a proposed policy may enable the parties to reach an agreement on the final product.

Commissioner Wooten asked Attorney Graham what comments he has on the proposed agreement and what his recommendation would be. Attorney Graham indicated that he had no concerns for this agreement. Attorney Graham had no other suggestions.

Commissioner Wooten made a motion to approve the Insurance Consultant Agreement with Crissman, Mendenhall, Steelman Insurance. Vice Chairman Austin second.

Commissioner Moxley asked if it would be prudent to enter a 3-year agreement considering the proposed healthcare reform. Mr. Church replied that a 3-year term is the industry standard. Further, it takes a 3-year cycle to identify improvement and build the relationship. Vice Chairman Austin commented that a 3-year term is acceptable considering the 90-day termination clause and that insurance enrollments are completed on annual basis. Commissioner Wooten added that both parties will likely seek termination if the relationship between the parties is damaged.

Mr. Church pointed out that this agreement does not cover the ancillary products such as disability, life insurance, or cancer policies. The proposed agreement with CMS is for medical insurance only.

Attorney Graham noted pages 17 and 21 of the agenda packet regarding the 90-day termination. Mr. Graham stated that the proposed agreement does not clearly state that the agreement may be forfeited within 90 days notice of either party for any reason. After some discussion, there was an addition to the stated motion as follows...

Commissioner Wooten made a motion to approve the Insurance Consultant Agreement with Crissman, Mendenhall, Steelman Insurance contingent upon the addition of the phrase “may be forfeited within 90 days notice of either party for any reason.” Vice Chairman Austin second.

Vote: 5/0

It was noted that this compensation would be appropriated in the 2010-2011 budget.

MANAGER REPORTS/COMMENTS

Interim Manager, Jim Haynes, reported the following:

1. The engineering of a system that would manage and regulate inspections, registrations, and property tax on vehicles continues to be a challenge for the State. The proposed implementation of January 2011 has now been postponed until January 2013.
2. Department budgets are due on Monday, March 22, 2010. Staff continues to monitor the revenues. There was a small spike in revenues for the month of December reflecting Christmas sales.

CALENDAR NOTES

Chairman Wagoner briefly reviewed the calendar notes. Chairman Wagoner announced the joint meeting with the Board of Education on Monday, March 29, 2010 from 6:30pm to 8:00pm at Prime Sirloin.

COMMISSIONER COMMENTS

Vice Chairman Austin had these additional comments:

Referring to today’s presentation by the Cooperative Extension, Vice Chairman Austin commented that there is a common focus on the kids of Yadkin County throughout all the programs. Vice Chairman Austin stated that his wife is a former 4H participant. Vice Chairman Austin stated that 4H really makes a difference in the lives of these children and the kind of adults they grow to be. Vice Chairman Austin saluted the Cooperative Extension for its services.

Commissioner Garner had these additional comments:

1. Commissioner Garner recognized 2 candidates for County Commissioner seated in the audience. Commissioner Garner challenged these candidates to stand up for what is right regardless of who they may offend. Commissioner Garner commented that nothing beats the truth.

2. Commissioner Garner referred to a recent letter in *The Yadkin Ripple* and read as follows:

“The need for individual counsel of Mr. Wooten and Mr. Austin was due to the maliciously orchestrated attack designed and facilitated by 4 members of the Board of Commissioners.”

Commissioner Garner noted that, when being sued, the ‘enemy’ is not typically invited to a strategic meeting with the attorney. Commissioner Garner stated that closed sessions are allowed under the law to discuss certain issues with the County attorney. Commissioner Wooten had been photographed serving at a fundraiser for the plaintiffs in the lawsuit against the County, yet Commissioner Wooten is present for the closed sessions. Regarding recent issues with County email, Commissioner Garner stated that email was one of few options and it became necessary for communication. Mr. Garner offered his hope that the public will understand the reasons for email communication.

Continuing, Commissioner Garner stated that *The Yadkin Ripple* suggests that Mr. Moxley, Mr. Garner, and Mr. Wagoner chose to surrender their responsibilities to the Judge. These commissioners seemed all too comfortable with fines or removal from office. Chairman Wagoner commented that he was subject to the same penalties as other Board members and could not say that he felt comfortable with those options. Commissioner Garner stated that these 3 Board members vacated their rights. Commissioner Garner again quoted from *The Yadkin Ripple*:

“The saga came to an abrupt end, when Judge Craig was informed of all the circumstances, and chose to walk away.”

Commissioner Garner stated that this was incorrect. The judge did not walk away. Judge Craig postponed any action because 3 commissioners approved a resolution to begin construction on the jail.

Commissioner Garner encouraged the Board of Commissioner candidates to learn a lesson from his statements and not be afraid to be controversial. Commissioner Garner advised the candidates that there is no point in running for this office if they are unwilling to do what they think is right.

Commissioner Moxley had these additional comments:

1. Commissioner Moxley also commented on the wonderful meal and presentation by the Cooperative Extension. Commissioner Moxley stated that both of his children were 4H participants and believes the program is very beneficial. During the Cooperative Extension event, Mr. Tommy Shore commented that his son greatly benefitted at college from the public speaking aspect of 4H. While some students were terrified of the idea, Mr. Shore’s son was more than adequately prepared due to 4H training.

2. Commissioner Moxley and Vice Chairman Austin had recently attended the Fire Department Awards. The speaker addressed how important and how dependable the fire departments are to their community. Surveys indicate that fire departments are rated the most dependable agency in the United States. People do not tend to give the proper credit, but Yadkin County can be proud of its fire departments.

Chairman Wagoner commented that he submitted letters to *The Yadkin Ripple* when he was heavily involved in the Rescue Squad. One letter addressed volunteerism. Chairman Wagoner pointed out that the person responsible for the wheel chocks are just as important as the person operating the water hose. Every person that volunteers with this type of agency is equally important. Chairman Wagoner encouraged the public to consider joining their local volunteer departments stating that it is a worthwhile cause. Chairman Wagoner stated that he had driven the rescue truck in various parades on occasion. The children are influenced by the bright red trucks and it instills a sense of civic duty in the minds of young children. The fire departments and rescue squad has junior cadet programs. As the 4H program teaches agriculture, these cadet programs raise young men and women into fire service so they may become volunteers or paid firemen in other districts.

Vice Chairman Austin added that the speaker for the fire department awards was the North Carolina Fire Chief of the Year. He charged the Yadkin County firemen to be responsible for their fellow squadron and their community.

Commissioner Moxley noted that the fire department awards did include the rescue squad and telecommunicators for the County. Vice Chairman Austin stated that the official title was Yadkin County Volunteer Fire and Rescue Association Awards. Commissioner Moxley stated that the speaker referred to Marion Michael Morrison and the tremendous influence of the fire department on his life. Even up to his death, Mr. Morrison contributed his good life and success to the influence of the fire department. Mr. Morrison was better known as John Wayne.

Commissioner Wooten had these additional comments:

Commissioner Wooten stated that there are 2 important branches of government; judicial and legislative. Commissioner Wooten stated that securing an attorney to defend his position as a Board member was justified because the judicial branch was impacting the legislative decisions and participating in the legislative process. Commissioner Wooten feels that the actions of Vice Chairman Austin and himself protected all 5 Board members. Had the hearing of January 8 continued as planned, Yadkin County would have experienced tremendous cost. There is a legislative branch and a judicial branch and Commissioner Wooten feels that he did his best to protect the legislative branch in which he serves.

Chairman Wagoner had these additional comments:

1. Chairman Wagoner commented that he grew up on his grandfather's 80-acre tobacco farm in Elkin. Chairman Wagoner stated that it is hard to imagine that the children of today do not know what it means to prime tobacco. The Cooperative Extension does a great service to the young people. A statewide issue at this time is childhood obesity. The lessons learned by these children through the Cooperative Extension Service will carry on throughout their adulthood.
2. Chairman Wagoner referred to the recent action of the Board approving a 0.25% sales tax referendum. Chairman Wagoner noted that Randolph County recently passed this referendum. It is the Board's discretion to implement, even if the citizens approve.
3. Chairman Wagoner confirmed that Deputy Manager Church is holding a candidate's meeting. Chairman Wagoner encouraged all candidates to attend this meeting as there is much to learn about County government and its functions. Chairman Wagoner stated that he felt "6'4 and bullet-proof" when he left college and when he began his term as commissioner. It can be quite disheartening when you realize the reality of it. Chairman Wagoner compared being a commissioner to steering a battleship in the mud because of all the issues weighing down and all of the decisions that must be navigated. Chairman Wagoner challenged the candidates to attend the meeting with Deputy Manager Church and to learn as much as they can about County government. Chairman Wagoner commended the candidates for attending the regular meetings of the Board. Chairman Wagoner also commended Mr. Church for providing this information forum for the candidates.

Attorney Graham had no additional comments at this time.

Chairman Wagoner called for a recess at 8:23pm. The meeting resumed at 8:37pm.

Commissioner Wooten made a motion to enter a closed session per NCGS 143.318-11(a) (6) to discuss a personnel matter and NCGS 143.318-11(a) (3) for consultation with attorney. Vice Chairman Austin second.

Vote: 5/0

Commissioner Garner made a motion to end the closed session. Vice Chairman Austin second.

Vote: 5/0

There was brief discussion of remaining hospital debt. It was noted that there is a meeting of the Hoots Memorial Hospital Board of Trustees on Wednesday, March 17, 2010 in which other financial matters will be discussed.

Vice Chairman Austin made a motion to approve the expenditure of \$507,214 of adjusted net working capital owed to North Carolina Baptist Hospital. Commissioner Moxley second.

Vote: 5/0

Vice Chairman Austin made a motion to recess until Monday, March 29, 2010 at 8:30am at Mt. Olympus Restaurant in East Bend for a work session/retreat. Commissioner Wooten second.

Vote: 5/0

Meeting adjourned at 9:22pm.

Prepared by Clerk to the Board

Date approved by the Yadkin County Board of Commissioners